

ANNETTE L. HURST (SBN 148738)  
ahurst@orrick.com  
DANIEL D. JUSTICE (SBN 291907)  
djustice@orrick.com  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105-2669  
Telephone: +1 415 773 5700  
Facsimile: +1 415 773 5759

WILLIAM W. OXLEY (SBN 136793)  
woxley@orrick.com  
ALYSSA M. CARIDIS (SBN 260103)  
acaridis@orrick.com  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
355 S. Grand Avenue  
Los Angeles, CA 90071  
Telephone: +1 213 629 2020  
Facsimile: +1 213 612 2499

*Attorneys for GitHub, Inc. and Microsoft Corporation*

[Additional Counsel Listed on Next Page]

JOSEPH R. SAVERI (SBN 130064)  
jsaveri@saverilawfirm.com  
STEVEN N. WILLIAMS (SBN 175489)  
swilliams@saverilawfirm.com  
CADIO ZIRPOLI (SBN 179108)  
czirpoli@saverilawfirm.com  
ELISSA A. BUCHANAN (SBN 249996)  
eabuchanan@saverilawfirm.com  
TRAVIS MANFREDI (SBN 281779)  
tmanfredi@saverilawfirm.com  
JOSEPH SAVERI LAW FIRM, LLP  
601 California Street, Suite 1000  
San Francisco, CA 94108  
Telephone: +1 415 500 6800  
Facsimile: +1 415 395 9940

MATTHEW BUTTERICK (SBN 250953)  
mb@buttericklaw.com  
1920 Hillcrest Avenue, #406  
Los Angeles, CA 90027  
Telephone: +1 323 968 2632  
Facsimile: +1 415 395 9940

*Attorneys for Individual and Representative Plaintiffs and the Proposed Class*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

J. DOE 1, et al.,  
  
Individual and  
Representative Plaintiffs,  
  
v.  
  
GITHUB, INC., et al.,  
  
Defendants.

AND CONSOLIDATED ACTION

Case No. 4:22-cv-6823-JST  
Consolidated with Case No. 4:22-cv-7074-JST

**STIPULATION AND [PROPOSED]  
ORDER FOR BRIEFING SCHEDULE**

Courtroom: 6  
Judge: Hon. Jon S. Tigar  
Trial Date: None Set

**Complaint Filed:** November 3, 2022.  
**Amended Complaint Filed:** June 8, 2023.

1 MICHAEL A. JACOBS (SBN 111664)  
mjacobs@mofo.com

2 JOSEPH C. GRATZ (SBN 240676)  
jgratz@mofo.com

3 TIFFANY CHEUNG (SBN 311497)  
tcheung@mofo.com

4 MELODY E. WONG (SBN 341494)  
melodywong@mofo.com

5 MORRISON & FOERSTER LLP  
425 Market Street

6 San Francisco, CA 94105-2482

Telephone: +1 415 268 7000

7 Facsimile: +1 415 268 7522

8 ALLYSON R. BENNETT (SBN 302090)  
abennett@mofo.com

9 ROSE S. LEE  
roselee@mofo.com

10 ALEXANDRA M. WARD (SBN 318042)  
alexandraward@mofo.com

11 MORRISON & FOERSTER LLP  
707 Wilshire Boulevard

12 Los Angeles, California 90017-3543

Telephone: +1 213 892 5200

13 Facsimile: +1 213 892 5454

14 *Attorneys for OpenAI, Inc., OpenAI, L.P., OpenAI*  
15 *GP, LLC, OpenAI OpCo, L.L.C., OpenAI Startup*  
16 *Fund GP I, L.L.C, OpenAI Startup Fund I, L.P.,*  
*and OpenAI Startup Fund Management LLC*

Pursuant to Northern District of California Local Rule 6-1, the parties in the above-captioned action hereby stipulate and agree as follows.

WHEREAS, on June 8, 2023, Plaintiffs Doe 1, Doe 2, Doe 3, Doe 4, and Doe 5 (the “Plaintiffs”) filed a First Amended Complaint (the “FAC,” ECF No. 98) against Defendants GitHub, Inc.; Microsoft Corporation; OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C., OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, L.L.C.<sup>1</sup> in the above-captioned consolidated action (the “Action”);

WHEREAS, Defendants apart from OpenAI OpCo, L.L.C. were served on June 8, 2023;

WHEREAS, apart from OpenAI OpCo, L.L.C., Defendants’ responses to the FAC are due June 22, 2023;

WHEREAS, Defendant OpenAI OpCo, L.L.C. was served on June 13, 2023;

WHEREAS, Defendant OpenAI OpCo, L.L.C.’s response to the FAC is due July 5, 2023;

WHEREAS, Defendants in the Action have not filed any responses to the FAC;

WHEREAS, Civil Local Rule 6-1(a) permits the parties to “stipulate in writing, without a Court order, to extend the time within which to answer or otherwise respond to the complaint” so long as “the change will not alter the date of any event or any deadline already fixed by Court order”;

WHEREAS, Civil Local Rule 6-1(b) permits the parties to stipulate to enlarge or shorten the deadline for papers, other than an initial response to a complaint, required to be filed with the Court.

WHEREAS, the parties have conferred and agreed to an extension of the deadline for Defendants to move or otherwise respond to the FAC, and to shorten the time for OpenAI OpCo,

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<sup>1</sup> GitHub, Inc. is referred to as “GitHub.” Microsoft Corporation is referred to as “Microsoft.” OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC are referred to collectively herein as “OpenAI.” Collectively, GitHub, Inc., Microsoft Corporation, OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, L.L.C. are referred to herein as “Defendants.”

1 L.L.C. to respond to the FAC;

2 WHEREAS, the parties have conferred and agreed to a briefing schedule in the event  
3 Defendants move to dismiss the FAC;

4 WHEREAS, there has not been an extension for the filing of responsive pleadings to the  
5 FAC;

6 WHEREAS, an extension of the deadline to respond to the FAC will not alter the date of  
7 any event or deadline already fixed by Court order;

8 WHEREAS, the first available date motions to dismiss the FAC can be heard is  
9 September 14, 2023; and,

10 WHEREAS, Defendants do not waive, and expressly reserve, all available defenses;

11 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate  
12 and agree pursuant to Local Rule 6-1(a) that Defendants' deadline to respond to the FAC shall be  
13 June 29, 2023.

14 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate  
15 and agree, subject to the approval of the Court:

16 1. Plaintiffs' oppositions to any motion(s) filed by Defendants in response to the  
17 FAC shall be due July 27, 2023.

18 2. Defendants' replies to any such motions shall be due August 10, 2023.

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20  
21 DATED: \_\_\_\_\_

\_\_\_\_\_  
22 JON S. TIGAR  
23 United States District Judge  
24  
25  
26  
27  
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1 Dated: June 21, 2023

Orrick, Herrington & Sutcliffe LLP

2  
3 By: /s/Annette L. Hurst  
4 ANNETTE L. HURST  
5 Attorneys for GitHub, Inc. and  
Microsoft Corporation

6 Dated: June 21, 2023

MORRISON & FOERSTER LLP

7  
8 By: /s/Joseph C. Gratz  
9 JOSEPH C. GRATZ  
10 Attorneys for OpenAI, Inc., OpenAI, L.P.,  
11 OpenAI GP, L.L.C., OpenAI OpCo,  
12 L.L.C., OpenAI Startup Fund GP I, L.L.C.,  
OpenAI Startup Fund I, L.P., and OpenAI  
Startup Fund  
Management L.L.C.

13 Dated: June 21, 2023

JOSEPH SAVERI LAW FIRM, LLP

14  
15  
16 By: /s/Joseph R. Saveri  
17 JOSEPH R. SAVERI  
18 Attorneys for Individual and  
Representative Plaintiffs and  
the Proposed Class

L.R. 5-1 SIGNATURE ATTESTATION

As the ECF user whose user ID and password are utilized in the filing of this document, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: June 21, 2023

/s/Annette L. Hurst

Annette L. Hurst